

Entered - 9-14-98 - sb  
CL 98L0632 - ALEXIS HOLMES

01-*l* -1372

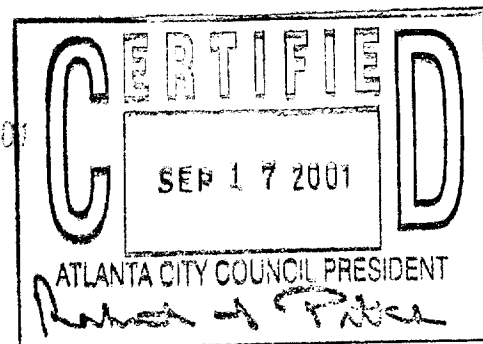
CLAIM OF: **ROY A. COLE**  
912 Rice Street, NW  
Atlanta, Georgia 30318

For damages alleged to have been sustained as a result of maintaining  
City and County property for an undisclosed period of time at 912  
Rice and Willis Streets, NW.

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSE REPORT  
CITY COUNCIL SEP 17 2001



## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE:

CHAIR:

*Public Safety*  
*9/17/01*

*C. T. Martin*

SEP 17 2001

*Deputy*  
DEPUTY MUNICIPAL CLERK

*Sherry Dorsey*  
*[Signature]*



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

September 19, 2001

Roy A. Cole  
912 Rice Street, NW  
Atlanta, Georgia 30318

**01-R-1372**

Dear Mr. Cole:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 17, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 98L0632

Date: 8/8/01

Claimant /Victim ROY A. COLE

BY: (Atty) \_\_\_\_\_

Address: 912 Rice Street, NW Atlanta, Georgia 30318

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 210,000.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 9/2/98 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence Not Stated Place: 912 Rice Street and Willis Street, NW

Department Planning, Development and Neighborhood Conservation Division: Zoning

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that he incurred monetary damages when he maintained property that belonged to the City and County. During this investigation several attempts were made to contact the claimant to adequately assess his allegations, and he did not respond to phone calls or letters. Therefore, this claim is deemed abandoned.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Other X Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial X

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_


Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned X

Respectfully submitted,

  
\_\_\_\_\_  
INVESTIGATOR - ALEXIS HOLMES

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 08-08-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3123  
9/17/01  
6:39 PM

Atlanta City Council

Regular Session

MULTIPLE  
01-R-1372

Unfavorable Claims; Items 20-59

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 1  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	E Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE